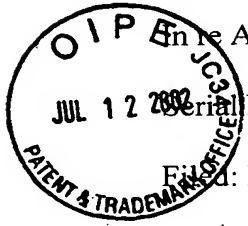


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of: Joachim BUG et al.

Serial No.: 10/049,442

Group Art Unit: 1614

Filed: February 12, 2002

Examiner: Unassigned

For: ORAL FORM OF ADMINISTRATION CONTAINING PROBIOTIC MICRO-ORGANISMS

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

CITED MATERIALS

Applicant(s) hereby disclose the information listed in the attached form PTO-1449.

- ☐ Copies of materials listed but not attached were cited in parent application Serial No. ____; see 37 C.F.R. § 1.98(d).
- ☐ Copies of materials listed but not attached were cited in an International Search Report dated ____; receipt of the International Search Report and copies of references was confirmed by the PCT International Division of the U.S. PTO in the Notice of Acceptance mailed ____.

LANGUAGE

- ☐ All listed materials are in the English language; see 37 C.F.R. § 1.98.
- ☒ Non-English language references:
 - ☐ The reference(s): _____ in the English-language is (are) indicated by commercial data bases to correspond to the reference(s): _____, respectively.
 - ☐ (An) English-language translation(s) of the references: _____ is (are) provided.
 - ☒ A commercial English-language abstract of references 1-7 are provided.
 - ☒ An English-language search report or an equivalent paper from a foreign patent office translated into English in pertinent part in connection with a counterpart foreign application, is provided indicating the relevance of the cited reference(s).

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FEES

- ☒ No fee is required for this Information Disclosure Statement because:
- ☐ This Information Disclosure Statement is being filed within three months of the filing date of a national application (other than a CPA) under § 1.53(d) or within 3 months of the date of entry of the national stage under § 1.491 in an international application;
 - ☒ This Information Disclosure Statement is being filed before the mailing of a first action on the merits;
 - ☐ This Information Disclosure Statement is being filed after a first action on the merits but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that closes prosecution in the application, and is accompanied by a certification below.
 - ☐ This Information Disclosure Statement is filed under 37 C.F.R. § 1.97(i).
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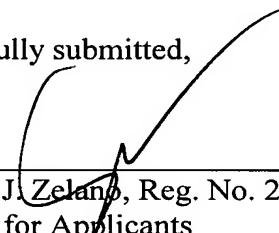
CERTIFICATION

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned, having made reasonable inquiry, no such item was known to any individual designated in 37 CFR § 1.56(c), more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

If a fee is due, attached is a check in the amount of \$____. However, the Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 and § 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



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Attorney Docket No.: KUTZ-3

Date: July 12, 2002
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Application Number	10/049,442
Filing Date	February 12, 2002
First Named Inventor	Joachim BUG et al.
Group Art Unit	1614
Examiner Name	Unassigned
Attorney Docket Number	KUTZ-3

[illegible][illegible]Date
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 2

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Application Number	10/049,442
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First Named Inventor	Joachim BUG et al.
Group Art Unit	1614
Examiner Name	Unassigned
Attorney Docket Number	KUTZ-3

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1	Shirota MASAYUKI et al., 11139978 AA, Japan, 05/25/1999.	
	2	Hizaki SHIGERU et al., "Enteric Particle", 5186335 AA, Japan, 07/27/1993.	
	3	Yokota TOYOICHI et al., "Lactobacillus Tablet Provided with Enteric Coating", 4041434 AA, Japan 02/12/1992	
	4	Minemura TAKESHI et al., "Bifidobacterium Bacterium Preparation and Production Thereof", 4273823 AA, Japan, 09/30/1992.	
	5	Kominato JO et al., "Internal Medicine Containing Beneficial Bacteria And Production Thereof", 62212324, Japan, 09/18/1987.	
	6	Motoyama SHIMESU et al., "Material Containing Beneficial Enterobacterium and Production Thereof, 62201823 AA, Japan 09/05/1987.	
	7	"Preparation of Granules Containing Useful Enteric Bacteria", XP 002155192.	
	8		
	9	Kurt H. BAUER et al., Pharmazeutische Technologie, Georg Thieme Verlag Stuttgart, New York, 1986	
	10	Heinz SUCKER et al., Pharmazeutische Technologie, Georg Thieme Verlag Stuttgart, 1978	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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